UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,053	10/06/2000	Donald J. Kadyk	13768.142	1598

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EXAMINER
LIN, WEN TAI

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/684,053	KADYK ET AL.
	Examiner	Art Unit	
	Wen-Tai Lin	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>01 June 2004</u>.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-14 and 16-25* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-14 and 16-25* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-14 and 16-25 are presented for examination. Claim 15 is canceled and claim 25 is newly added. Claims 1, 3, 12-14 and 16-24 have been amended.

2.   The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 102

3.   Claims 1-4, 6, 10-14, 16-18, 20 and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Barrett et al.[U.S. Pat. No. 6611876].

4.   Barrett was cited in the previous office action.

5.   As to claims 1-2, Barrett teaches the invention as claimed including: an expert proxy server computer system that is coupled to a plurality of wireless devices through a limited bandwidth wireless network [col.11, lines 29-32; i.e., a PDA or palm must be connected to the Internet via a wireless network, wherein the wireless network is, by default, limited in bandwidth], wherein the expert proxy server is coupled through a

network to a plurality of server computer systems [Fig.1; col.3, line 56- col.4, line 5], the

expert proxy server either directly or in conjunction with the plurality of server computer

systems offering a plurality of applications that provide a service [i.e., the transcoding

machine is situated between a plurality of client devices (including wireless devices) and

a plurality of application servers], a method of the expert proxy server acting as an

agent for a wireless device so as to preserve the limited bandwidth of the wireless

network and so as to preserve the limited memory and processing capacity of the

wireless device [Abstract; col.1, lines 49-67; Figs.1-3], the method comprising the

following:

- a specific act of the expert proxy server computer system determining that a

service is to be provided to a wireless device; a specific act of the expert

proxy server computer system identifying an application that provides the

service; a specific act of the expert proxy server computer system

communicating with the identified application that provides the service [Figs.

4a & 4b; col.1, lines 49-67; col.6, line 43 – col.7, line 5; col.7, lines 45-52;

e.g., being a request modifier or content generator, the proxy server must be

able to associate various service applications (i.e., identifying an application)

that each request is destined to and further decide the requested content type

so as to assign an appropriate transcoder], such that the wireless device is

spared having to interface directly with the identified application over the

limited bandwidth wireless network [note that one advantage of having a

wireless device connected to an internet service server through an

intermediate transcoding server is for reducing traffic (or changing into

simpler data format) in the relatively low bandwidth wireless network]; and

- a specific act of the expert proxy server computer system compiling the

results of the communication with the application; and a specific act of the

expert proxy server computer system transmitting the compilation to the

wireless device over the wireless network [Figs. 1 & 3; col.2, lines 40-55;

col.5, lines 1-10; col.12, lines 50-67; e.g., in response to a request, the group

administrator needs to assign an appropriate transcoder for converting (i.e.,

compiling) the received web content into a proper data/image format].

6.   As to claim 3, Barrett further teaches that the specific act of the expert proxy

server computer system communicating with the identified application that provides the

service comprises the following: a specific act of the expert proxy server communicating

with one of the plurality of server computer systems over an external network that hosts

the identified application [col.11, lines 21-28; e.g., a wired network is an external

network with respect to the wireless network to which client devices are connected].

7.   As to claim 4, Barrett further teaches that the specific act of the expert proxy

server computer system communicating with the identified application that provides the

service comprises the following: a specific act of the expert proxy server submitting a

plurality of separate communications to the application; and a specific act of the expert

proxy server receiving a response to at least some of the plurality of communications

[Figs. 4a- 4b; i.e., operating in a client-server environment, it is clear that Barrett's proxy server is able to accept multiple requests (each requiring at least one respective target application to perform the service) from different client devices, relaying the requests to their respective application servers, converting the data provided by each of the servers to appropriate format suitable for displaying in their respective client devices, and returning the compiled results to each of the requesting devices].

8.   As to claim 6, Barrett further teaches that the service includes a storage service [i.e., caching data at the proxy server].

9.   As to claim 25, it is noted that Narrett's proxy server (i.e., the transcoding system) and the application servers are interconnected via a wired network (i.e., the Internet), which has a higher band than the wireless network connecting the portable devices to the proxy server.

10.   As to claims 10-14, 16-18, 20 and 24, since the features of these claims can also be found in claims 1-4, 6 and 25 they are rejected for the same reasons set forth in the rejection of claims 1-4, 6 and 25 above.

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be patented
> and the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

12.   Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Barrett et al.(hereafter "Barrett")[U.S. Pat. No. 6611876], as applied to claims 1-4,

6, 10-18, 20 and 24 above, further in view of Fox et al. (hereafter "Fox")[U.S. Pat. No.

6654786].

13.   Both Barrett and Fox were cited in the previous office action.

14.   As to claim 5, Barrett teaches that proxy server (i.e., the intermediary) can be

placed anywhere along a data stream [col.1, lines 14-23]. Barrett does not specifically

teach that the service includes an instant messaging service. However, Fox teaches

that instant messaging is part of data stream serviced in a client-server environment

[Fox: 204, Fig.4; col.2, lines 4-7].

As such, it is obvious that Barrett's system could have been extended to include

services providing instant messaging, because by doing so it would further broaden the

application of Barrett's system/method.

15.   As to claim 19, since the features of this claim can also be found in claims 1, 5

and 14-15, it is rejected for the same reasons set forth in the rejection of claims 1, 5 and

14-15 above.

16.   Claims 7-9 and 21-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Barrett et al. (hereafter "Barrett")[U.S. Pat. No. 6611876], as applied

to claims 1-6, 10-14, 16-20 and 24 above.

17.   As to claims 7-9, Barrett teaches that proxy server (i.e., the intermediary) can be

placed anywhere along a data stream [col.1, lines 14-23]. Barrett does not specifically

teach that the service includes customized page service, reservation service and

bidding service.

        However, official notice is taken that internet-oriented customized pages,

reservation services and bidding services providing portal device users via

intermediaries are well known in the art.

        It would have been obvious to one of ordinary skill in the art at the time the

invention was made to include all these services in Barrett's system, because the data

streams caused by these different services/requests can be readily fit into Barrett's

proxy server for further modification/simplification and addition of the service could

obviously broaden the utilization of Barrett's system/method.

18.   As to claims 21-23, since the features of these claims can also be found in

claims 1, 7-9 and 14, they are rejected for the same reasons set forth in the rejection of

claims 1, 7-9 and 14 above.

19.   Applicant's arguments filed on 6/1/2004 for claims 1-14 ad 16-25 have been fully

considered but they are not deemed to be persuasive.

20.   Applicant argues in the remarks that:

1. Barrett does not disclose or suggest a method for causing a proxy server to act

as an agent for a wireless device so as to preserve the limited bandwidth of the

wireless network over which they communicate.

2. Barrett does not even disclose an environment in which a proxy server services

wireless devices over a wireless network as claimed.

3. Barrett fails to disclose that the proxy server communicates with applications

over a relatively high bandwidth network as compared to the low bandwidth

wireless network that is used for communications between the wireless device and

the proxy server.

4. The art of record does not make it obvious to provide any of the customized

page services, reservation service and bidding services, including instant

messaging, in the manner recited in the claims.

5. With regard to the recited act in claim 4 of the "proxy server submitting a plurality

of separate communications to the application," Applicant requests clarification as

to which elements in Barrett the Examiner considers to be analogous with the

recited claim elements (e.g., application, wireless device, communication, compilation).

21.　　Examiner respectfully disagrees with applicant's remarks:

1. As to pints 1-3: it is noted that Barrett's transcoding maching is an intermediate proxy server situated between a client device and an Internet server, and the act that the proxy server receives requests from the client devices, relaying/modifying the requests and transcoding (i.e., compiling) the received results from the Internet servers (whether it be retrieved from the local cache or directly from the target servers) are inherent roles of a proxy server acting as an agent the client devices. The teaching that Barrett's method is also applicable to a palm computer or a PDA indicates that Barrett's proxy server must be communicated with these types of portable devices through wireless network, wherein the latter clearly has lower bandwidth than the wired Internet connections between the proxy server and the plurality of the various service servers.

2. As to point 4: the examiner admits that the pronounced services are not explicitly disclosed by Barett. This is why the office action uses Fox as an explicit reference to show that a proxy server may also act as an intermediate stage for instant messages. All the other services were rejected under Barett in view of official notice. Since the Applicant did not challenge the previous Official Notice, rejection of these relevant claims remained intact.

3. As to point 5: There is no confusion on the examiner's part, because in a client-server environment, a proxy server is able to represent as agents for different client devices. Therefore, the "applications" refers to the various application programs running at each respective target servers; the "compilation" refers to the process of converting received data format into a device-compatible format; while the other two items, wireless device and communication, are self-explanatory in view of the explanations above.

22.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

23.   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (703)305-4875. The examiner can normally be reached on Monday-Friday(8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and

(703)746-5516 for status inquires draft communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Wen-Tai Lin

July 14, 2004